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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/727,778   | 12/03/2003  | Shinji Imai          | 114214-005          | 7096             |
| 43793  | 7590        | 07/29/2005           | EXAMINER            |                  |
| EVEREST INTELLECTUAL PROPERTY LAW GROUP<br>P. O. BOX 708<br>NORTHBROOK, IL 60065 |             |                      | RODRIGUEZ, RUTH C   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3677                |                  |

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/727,778

Applicant(s)

IMAI, SHINJI

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 4,922,585) in view of Cook et al. (US 4,099,838).

Suzuki discloses a reflective slide fastener (10) comprising a pair of fastener tapes (12) and a reflective material (15). Each fastener tape has a row of coupling elements (13a,13b) fixedly secured to and along a longitudinal edge of the fastener tape (Figs. 1-14). The reflective materials exhibit retroreflection and are applied to the surfaces of the fastener tapes (Figs. 1-14). Suzuki fails to disclose that the reflective materials allow the color of the fastener tapes to be seen therethrough. However, Cook teaches a retroreflective material (C. 2, L. 57-68 and C. 3, L. 1-9). The retroreflective material allows the color of the substrate layer to be seen therethrough (the layers are transparent). This retroreflective material allows reflection of a different color light outside of the white light (C. 2, L. 67 and 68 and C. 3, L. 1-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the slide fastener disclosed by Suzuki where the reflective material is replaced

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by the retroreflective material taught by Cook since this retroreflective material will allow the color of the slide fastener to be seen therethrough and will reflection of a different color of light outside of the white light that can be used to determine authenticity of an article just as the authenticity of a document can be determined with a particular light (C. 1, L. 33-39).

Cook also teaches that:

- The reflective material is transparent or translucent (C. 4, L. 49-64).
- The reflective material is a transparent or translucent retroreflective material containing a reflective layer (26) formed from a metal compound that has permeability to light (C. 6, L. 40-50).
  - The reflective material is a transparent or translucent retroreflective material containing a reflective layer (26) formed from a metal compound that has permeability to light (C. 6, L. 40-50) and a colored reflective layer containing a reflective pigment and being arranged under the reflective layer (C. 3, L. 10-18).
  - The reflective material is transparent or translucent retroreflective material contain a layer of glass beads (16), a reflective layer (26) that is disposed on the layer of glass beads and is formed from a metal compound having a permeability to light (C. 6, L. 40-50) and a colored reflective layer containing a reflective pigment and being arranged under the reflective layer (C. 3, L. 10-18).
  - The metal compound is at least one compound selected from the group consisting of titanium oxide, bismuth oxide, zirconium oxide, silicon oxide, zinc oxide and zinc sulfide (C. 7, L. 27-31).

- Cook also disclose that:
  - The reflective material is transparent or translucent retroreflective material contain a layer of glass beads (16), a reflective layer (26) that is disposed on the layer of glass beads and is formed from a metal compound having a permeability to light (C. 6, L. 40-50) and a colored reflective layer containing a reflective pigment and being arranged under the reflective layer (C. 3, L. 10-18).
  - The metal compound is at least one compound selected from the group consisting of titanium oxide, bismuth oxide, zirconium oxide, silicon oxide, zinc oxide and zinc sulfide (C. 7, L. 27-31).

3. Claims 5-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okeya et al. (US 5,728,448) in view of Cook et al.

Okeya discloses a reflective tape manufactured by inweaving, interknitting or incorporating in a tape (1) a thread-like (3) or tape-like (3) reflective material that exhibits retroreflection (C. 4, L. 4-5). Okeya fails to disclose that the reflective materials allow the color of the fastener tapes to be seen therethrough. However, Cook et al. teaches a retroreflective material (C. 2, L. 57-68 and C. 3, L. 1-9). The retroreflective material allows the color of the substrate layer to be seen therethrough (the layers are transparent). This retroreflective material allows reflection of a different color light outside of the white light (C. 2, L. 67 and 68 and C. 3, L. 1-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the reflective tape disclosed by Okeya where the reflective material is replaced by the retroreflective material taught by Cook since this retroreflective material will allow

the color of the fastener tape to be seen therethrough and will reflection of a different color of light outside of the white light that can be used to determine authenticity of an article just as the authenticity of a document can be determined with a particular light (C. 1, L. 33-39).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Killmer (US 2,236,033), Frohlich (US 3,768,125), Covi et al. (US 6,092,267), Matsushima et al. (US 6,253,425 B1), Kang (US 6,279,209 B1), Dischler (US 6,681,456 B1) and European Patent Document EP 0 299 500 are cited to show state of the art with respect to reflective slide fasteners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP

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§ 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
July 25, 2005